

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTHER HOFFMAN, *et al.*,

Plaintiffs,

v.

TRANSWORLD SYSTEMS
INCORPORATED, *et al.*,

Defendants.

CASE NO. C18-1132-JCC

ORDER

This matter comes before the Court on Defendants Patenaude & Felix, APC and Matthew Cheung's motion for summary judgment (Dkt. No. 30) and Defendant Transworld Systems Incorporated's joinder to the motion (Dkt. No. 32). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby DISMISSES the motion as moot for the reasons explained herein.

The facts of this case were set forth in the Court's November 2, 2018 order granting in part and denying in part Defendants' motion to dismiss. (Dkt. No. 29.) The Court dismissed, without prejudice, Plaintiff Sarah Douglass's claim for a violation of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, and claim for a *per se* violation of the Washington Consumer Protection Act ("CPA"), Wash. Rev. Code § 19.86 premised on her FDCPA claim. (*Id.*) The Court granted Plaintiffs leave to amend within 30 days of the issuance of the November

1 2 order. (*Id.*) On November 5, Defendants moved for summary judgment dismissing Plaintiff
2 Douglass's FDCPA and *per se* CPA claims. (Dkt. Nos. 30, 32.) Plaintiffs have not filed an
3 amended complaint curing the deficiencies identified in the Court's November 2 order.¹

4 Defendants have submitted evidence (Dkt. Nos. 31; 31-1 at 2, 4, 6), which Plaintiffs have
5 not substantively opposed (*see generally* Dkt. No. 40), establishing that there is no genuine
6 dispute of material fact as to whether Plaintiff Douglass's FDCPA claim is untimely, and
7 therefore that her *per se* CPA claim fails as well. Fed. R. Civ. P. 56(a); *see* 15 U.S.C. § 1692k(d),
8 *Mangum v. Action Collection Serv., Inc.*, 575 F.3d 935, 940 (9th Cir. 2009); *Lyons v.*
9 *Homecomings Fin. LLC*, 770 F. Supp. 2d 1163, 1167 (W.D. Wash. 2011).

10 The Court's November 2 order granted Plaintiffs leave to file an amended complaint
11 within 30 days of the issuance of the order. (Dkt. No. 29.) Plaintiffs have not done so. Thus, the
12 claims the Court dismissed without prejudice, including Plaintiff Douglass's FDCPA and *per se*
13 CPA claims, can no longer be asserted against Defendants through amendment. Therefore, the
14 Court DISMISSES Defendants' motion for summary judgment as moot.

15 DATED this 4th day of January 2019.

16
17
18 

19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE
21
22
23
24

25
26 ¹ Plaintiffs filed a motion for reconsideration of the Court's November 2 order, which the
Court denied. (Dkt. Nos. 33, 44.)